

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte ROBIN JOHN SLATER  
and KENNETH J. PETERS

Appeal No. 2002-0824  
Application No. 09/020,699

ON BRIEF

Before HAIRSTON, BARRETT, and LEVY, Administrative Patent Judges.  
HAIRSTON, Administrative Patent Judge.

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**PAT. & T.M. OFFICE**  
**BOARD OF PATENT APPEALS**  
**AND INTERFERENCES**

DECISION ON APPEAL

This is an appeal from the final rejection of claims 14 through 16.

The disclosed invention relates to a method of validating the identity of a party attempting to execute a transaction.

Claim 14 is the only independent claim on appeal, and it reads as follows:

14. A method of validating identity of a party attempting to execute a transaction, comprising the following steps:

- a) accepting an identity card from the party;

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- b) reading first and second data from the card;
- c) prior to asking for any other identity data, presenting a message asking the party to enter the first data; and
- d) comparing the first data entered with the first data read from the card and, if they agree, presenting a message asking the party to enter the second data; and
- e) comparing the second data entered with the second data read from the card and, if they agree, proceeding with the transaction.

The references relied on by the examiner are:

Suzuki	4,801,787	Jan. 31, 1989
Chapin	5,883,377	Mar. 16, 1999
		(filed Nov. 20, 1995)

Claims 14 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of Chapin.

Reference is made to the brief (paper number 19) and the answer (paper number 21) for the respective positions of the appellants and the examiner.

#### OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejection of claims 14 through 16.

In Suzuki, a personal identification system accepts an identity card from a party, and the system reads first and second

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data from the card as claimed (column 1, lines 30 through 32). Thereafter, the system presents a message asking the party to enter the first data (column 1, lines 32 through 34). The entered first data is compared with the first data read from the card, and, if they agree, then the system will assume that the party entering the data is a valid user of the identity card. The Suzuki system will not ask that the second data be entered by the user when the first data is correctly entered by the user. The examiner's contentions (answer, pages 4 through 6) to the contrary notwithstanding, we would have to resort to impermissible hindsight to find a teaching of using second data for proper validation after the first data is deemed valid by the system. Thus, the obviousness rejection of claims 14 and 16 is reversed because we agree with the appellants' arguments (brief, pages 5, 8 through 10 and 16), and the examiner's admission (answer, pages 5 and 6), that Suzuki only resorts to the second data when the first data read from the card and the entered first data do not agree (Figure 3; column 1, lines 34 through 39 and column 4, lines 36 through 42).

The obviousness rejection of claim 15 is reversed because the encryption teachings of Chapin do not cure the noted shortcoming in the teachings of Suzuki.

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DECISION

The decision of the examiner rejecting claims 14 through 16 under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON  
Administrative Patent Judge

*Lee E. Barrett*  
LEE E. BARRETT  
Administrative Patent Judge

*Stuart S. Levy*  
STUART S. LEVY  
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